

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*versus*

CHALMER DETLING, II

Criminal Action No.:  
1:18-CR-00309-LMM-LTW-1

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**MOTION TO PARTICIPATE IN VOIR DIRE**

COMES NOW the Defendant, CHALMER DETLING, II, by and through undersigned counsel, requests that this Court, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, permit his attorney to participate in the voir dire examination in this case.

Courts repeatedly have recognized the importance of a defense attorney's participation in voir dire in order to insure the defendant a more effective jury selection process. United States v. Lible, 630 F.2d 389, 394-95 (5th Cir. 1980); United States v. Corey, 625 F.2d 704, 707-08 (5th Cir. 1980); United States v. Ledee, 549 F.2d 990, 993 (5th Cir. 1977). In Lible, supra the court noted that:

While Federal Rules of Criminal Procedure 24(a) gives wide discretion to the trial court, voir dire may have little meaning if it is not conducted at least in part by counsel. The "federal" practice of "almost" exclusive voir dire examination by the court does not take into account the fact that it is the parties, rather than the court, who have a full grasp of the nuances and the strength and weakness of the case. "Peremptory challenges are worthless if trial counsel is not afforded an opportunity

to gain the necessary information upon which to base such strikes.... " Experience indicates that in the majority of situations questioning by counsel would be more likely to fulfill this need than an exclusive examination in general terms by the trial court.

630 F.2d at 395 (footnote omitted).

A defendant has a constitutional right to a fair and impartial trial. The use of peremptory challenges to select a fair and impartial jury is one of the most important rights an accused person has at such a trial. Pointever v. United States, 151 U.S. 396 (1893). In order to insure the effectiveness of these peremptory challenges, Defendant respectfully requests that this Court grant his request to have his attorney participate in the voir dire examination.

Respectfully submitted, this 30th day of October, 2018.

s/ Molly Hiland Parmer  
MOLLY HILAND PARMER  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION was formatted in Book Antiqua 13 pt., in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following Assistant United States Attorneys of record:

Alex Sistla and John Ghose  
Assistant United States Attorney  
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Dated: This 30th day of October, 2018.

s/ Molly Hiland Parmer  
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